

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STEVE J. LUBIC,

Plaintiff,

v.

FAYETTE COUNTY, WARDEN

BRIAN MILLER, JOHN DOE ONE,

JOHN DOE TWO, JOHN DOE THREE,

FAYETTE COUNTY PRISON BOARD,

OFFICER MATTHEW URAM,

C.O. T. J. FIKE, LOU KRUKOWSKY,

Defendants.

2:19cv148

Electronic Filing

ORDER OF COURT

AND NOW, this 27th day of February, 2020, upon due consideration of the Fayette County defendants' Motion to Dismiss in part and the Report and Recommendation of the Magistrate Judge addressing the same, and after *de novo* review of the record, IT IS ORDERED that [21] the Fayette County Defendants' Motion to Dismiss in Part be, and the same hereby is, granted in part and denied in part. The motion is granted as to the claim/request for punitive damages against the Fayette County defendants. The motion is denied to the extent it seeks the dismissal of the Fayette County Prison Board and in all other aspects;

IT FURTHER IS ORDERED that upon due consideration of [33] the motion to dismiss by defendant Uram and the Report and Recommendation of the Magistrate Judge addressing the same, and after *de novo* review of the record, [33] the motion be, and the same hereby is, granted. The claim(s) against defendant Uram are dismissed as barred by the statute of limitations. This ruling is without prejudice to plaintiff filing an amended complaint within the

deadline set forth below containing allegations that make a plausible showing that defendant Uram had personal involvement after February 7, 2017, in the alleged unlawful wrongs; and

IT FURTHER IS ORDERED that plaintiff may file an amended complaint on or before February 20, 2020, indicating that he is proceeding against defendants Fike and Krukowsky in their individual capacities and advancing a claim against defendant Uram that is consistent with the ruling set forth above.

The [42] Report and Recommendation of the Magistrate Judge is adopted as the opinion of the court.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Charity Grimm Krupa, Esquire
Maria N. Pipak, Esquire
Marie Milie Jones, Esquire
Michael R. Lettrich, Esquire
Yana L. Warshafsky, Esquire

(Via CM/ECF Electronic Mail)